

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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AISHA PANKEY,)
Plaintiff,)
vs.)
LV TOWNSHIP JUSTICE COURT,)
MUNICIPAL COURT,)
Defendant,)
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2:11-CV-00407-JCM-RJJ
REPORT & RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

This matter came before the Court on the failure of the Plaintiff, Aisha Pankey to appear at the Show Cause hearing scheduled for October 3, 2011. The Court hereby makes the following findings:

1. On May 2, 2011, the Court held a status hearing in this case. Plaintiff, Aisha Pankey was present at the hearing. *See*, Minutes of Proceedings (#3).
 2. At this hearing, the Court granted Plaintiff's IFP Application (#1) and further, ordered the Plaintiff to file an amended complaint on or before June 3, 2011. Minutes of Proceedings (#3).
 3. Plaintiff did not file an amended complaint by the June 3, 2011, deadline. Further, Plaintiff did not contact the court or file a motion requesting an extension to file the amended complaint.
 4. On August 19, 2011, the Court issued an Order to Show Cause (#4) scheduling a hearing for October 3, 2011. Further, the Show Cause Order (#4) ordered the

1 Plaintiff to appear at the hearing and show cause why this case should not be
2 dismissed for failure to comply with the Court's Order regarding the filing of an
3 amended complaint.

- 4 5. The Order to Show Cause (#4) was served by the United States Post Office by
5 Certified Mail, return receipt requested. *See*, Certificate of Service (#5).
- 6 6. On September 26, 2011, the Certified Mail Letter was returned, marked by the
7 United States Post Office "Return to Sender Unclaimed Unable to Forward". *See*,
8 Mail Returned as Undeliverable (#6).
- 9 7. Plaintiff, Aisha Pankey did not appear at the Show Cause hearing scheduled for
10 October 3, 2011.
- 11 8. Plaintiff has failed to comply with orders of the court.
- 12 9. Plaintiff has failed to comply with the Local Rules in that Plaintiff has not kept
13 the court apprised of a current address.

14 **RECOMMENDATION**

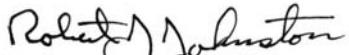
15 Based on the foregoing and good cause appearing therefore,
16 IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that this case be
17 **DISMISSED WITH PREJUDICE.**

18 **NOTICE**

19 Pursuant to Local Rule IB 3-2 [former LR 510-2] any objection to this Report and
20 Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14)
21 days after service of this Notice. The Supreme Court has held that the courts of appeal may
22 determine that an appeal has been waived due to the failure to file objections within the specified
23 time. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986). This Circuit has
24 also held that (1) failure to file objections within the specified time and (2) failure to properly
25 address and brief the objectionable issues waives the right to appeal the District Court's order
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1 and/or appeal factual issues from the order of the District Court. Martinez v. Ylst, 951 F.2d
2 1153 (9th Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

3 DATED this 4th day of October, 2011.
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7 ROBERT J. JOHNSTON
United States Magistrate Judge

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